

## REMARKS

### *Claims*

Claims 28 and 29 remain pending in the application with claim 28 being independent. Claims 28 and 29 remain unchanged. Claims 1-27 have previously been canceled. No claims have been added. Reconsideration is respectfully requested.

### *Claim Rejections Under 35 U.S.C. §103(a)*

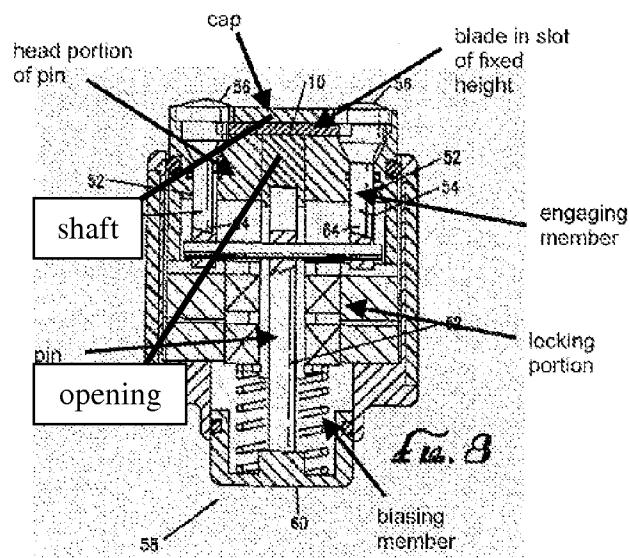
Claims 28 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fletcher (U.S. Patent No. 5,382,249). Applicant respectfully traverses the rejection to claim 28. Applicant believes the Examiner has misconstrued the teachings of Fletcher and impermissibly relies on *hindsight* in her analysis of obviousness.

Independent claim 28 recites a surgical saw blade coupler 10 comprising a housing 14 having a body and a head that extends forward from the body. The head has a face and a through bore. A driver 22 includes a driven portion 46 disposed in the housing and configured to be attached to a drive unit. The driver 22 also includes a locking portion 48 disposed over the face of the head. The locking portion 48 has a through opening aligned with the through bore. The locking portion 48 also includes at least one engaging member 52A-52D. A pin 20 extends through the through bore and the through opening. The pin 20 has a head portion 26 disposed over the locking portion 48. The head portion 26 defines an opening 38A-38D therethrough that is aligned over and positioned to receive the at least one engaging member 52A-52D. The pin 20 is movably mounted to the housing 14 so as to be able to move longitudinally in the through bore and the through opening. A cap 18 is mounted to the pin 20 so as to be spaced above the head portion 26 of the pin 20 to define a slot 44 of a fixed height for receiving a surgical saw blade 12. The slot 44 is movable with the pin 20. Finally, a biasing member 96 acts between the head of the housing and the pin 20 for urging the head portion 26 of the pin 20 and the cap 18 towards the at least one engaging member

52A-52D. The intended purpose of the surgical saw blade coupler 10 is to secure the surgical saw blade 12.

Fletcher discloses a surgical saw blade coupler for retaining a surgical saw blade 10. The coupler includes a head with a pair of pins 52 for engaging the surgical saw blade 10 and securing the surgical saw blade 10 to the head. Each of the pins 52 has a pin shank 54 and a pin head 56. A shaft 62 is fixed to the pins 52 and a push button 60 engages the shaft 62 to slide the shaft 62 and pins 52 when pressed. To attach the surgical saw blade 10 to the head, the pins 52 are raised by pressing the push button 60. When the pins 52 are raised, the pin heads 56 lift out of a slot in the head. Once the pin heads 56 are lifted from the slot, the surgical saw blade 10 is slidably inserted into the slot and notches 51 in the surgical saw blade 10 are aligned with the pin shanks 54. The pins 52 are then lowered, urging the pin heads 56 into the notches 51 in the surgical saw blade 10. A spring urges the pins 52 into this engaged position.

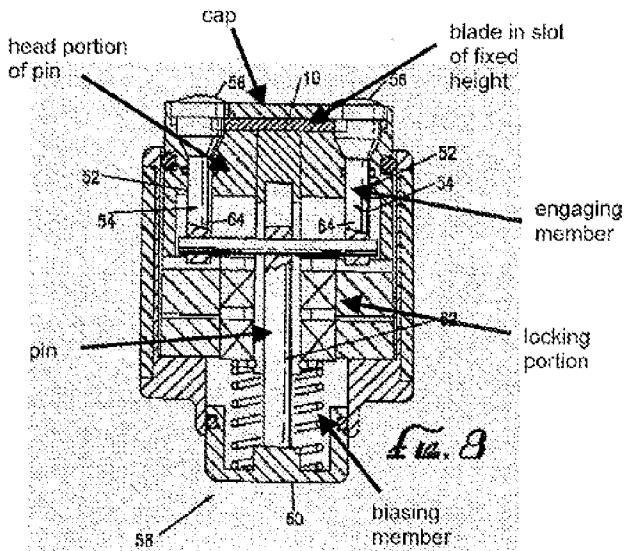
Applicant respectfully submits that the Examiner has misconstrued the teachings of Fletcher and has improperly applied Fletcher to claim 28 of the subject application. Referring to the adjacent drawing taken from page 4 of the last Office Action, the Examiner has identified the shaft 62 as a “pin” and the head (not numbered) as the “head portion of pin.” Notably, the Examiner’s annotation “head portion of pin” is not part of the pin 62 whatsoever. In fact, the pin 62 slides in an opening (see added note) in a shaft (see added note) engaging the “head portion of pin,” but the pin 62 does not engage the “head portion of pin.” The pin 62 lifts the “engaging members” relative to the “head portion of pin.” The pin 62 does not lift the “head portion of pin” as



required by claim 28. Furthermore, the pin 62 does not lift the “cap” and the “slot of fixed height,” also required by claim 28.

The only elements moved by the pin 62 are the “engaging members” and they simply slide a small distance up or down.

The “engaging members” are not lifted out of the way of the surgical saw blade when it is inserted into the “slot of fixed height,” but instead the pin heads 56 are raised to allow the notches in the surgical saw blade (see FIG. 6 of Fletcher) to move into position adjacent the pin heads 56. Once in position, the pin heads 56 are then lowered into the notches. One disadvantage of this design is that the surgical saw blade coupler of Fletcher cannot secure surgical saw blades via *closed-ended* slots or holes. In other words, the surgical saw blades illustrated in the subject application cannot be used with the coupler of Fletcher.



Conversely, the configuration recited in claim 28 accommodates surgical saw blades with completely closed-ended slots or holes (see, e.g., FIGS. 4 and 12 of the subject application) since the head portion 26 of the pin 20, cap 18, and slot 44 of fixed height are moved completely away from the engaging members 52A-52D before inserting the surgical saw blade 12 in the slot 44 and then the surgical saw blade's closed-ended slots are lowered onto the engaging members 52A-52D. In Fletcher, the “engaging members” are not moved completely out of the way of the surgical saw blade when it's slid into position, but instead the pin shanks 54 obstruct the surgical saw blade. The parts of Fletcher cannot be simply “rearranged” as suggested by the Examiner to accommodate such surgical saw blades. To meet the requirements of claim 28, Fletcher would have to be completely reconstructed, using Applicant's disclosure as

a blueprint. This could only happen by improperly using *hindsight* as a guide, as the Examiner has done.

For these reasons, Applicant submits that the Examiner has failed to establish a *prima facie* case for obviousness. The Examiner has misconstrued the operation of Fletcher, which operates in a fundamentally different way than the present invention set forth in claim 28. Claim 28 requires a pin having a head portion and a cap fixed to the pin above the head portion to define a slot of a fixed height. The head portion, cap, and slot are moved out of engagement with engaging members to allow a surgical saw blade to be inserted into the slot and then are lowered back into engagement with the engaging members at which time the engaging members also engage the surgical saw blade. In Fletcher, only the engaging members are moved and they are not moved completely away from the slot (the pin shanks 54 impede movement of the surgical saw blade in the slot). As a result, the *exemplary* surgical saw blades shown for use with the saw blade coupler of claim 28 cannot be used with the coupler of Fletcher because Fletcher fails to disclose, teach or suggest the novel and non-obvious combination of elements set forth in claim 28. Furthermore, the parts of Fletcher cannot simply be rearranged to mimic the configuration of claim 28, but instead must be completely reconstructed using improper hindsight as a guide. Accordingly, the Examiner has failed to establish a *prima facie* case for obviousness. There is no reasonable rationale as to why or how one skilled in the art would make such a drastic modification. This alone takes the saw blade coupler of claim 28 out of the realm of obviousness and places it squarely in the realm of invention. Therefore, Applicant submits that independent claim 28 is in condition for allowance. Claim 29 is also in condition for allowance based on its own merits and its dependency to independent claim 28.

Applicant: Drew Gant  
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Applicant believes the application is now in condition for allowance, which allowance is respectfully solicited. Applicant believes that no additional fees are due. However, the Commissioner is authorized to charge our Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys, P.C. for any additional fees or credit the account for any overpayment.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS, P.C.**

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**Date**

**/TRENT K. ENGLISH/**  
**Trent K. English, Registration No.: 56,951**  
The Pinehurst Office Center, Suite #101  
39400 Woodward Avenue  
Bloomfield Hills, MI 48304-5151  
(248) 723-0462